

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES:	22
NO:	0

MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred House Bill 1589, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the committee report of the Committee on Elections and
- 2 Apportionment adopted February 1, 2000.
- 3 Page 1, between the enacting clause and line 1, begin a new
- 4 paragraph and insert:
- 5 "SECTION 1. IC 3-5-2-4 IS AMENDED TO READ AS FOLLOWS
- 6 [EFFECTIVE JULY 1, 2001]: Sec. 4. "Ballot card" ~~means a card on~~
- 7 ~~which votes are recorded by the process of punching or marking; refers~~
- 8 **to either a punch card ballot or an optical scan ballot.**
- 9 SECTION 2. IC 3-5-2-4.5 IS ADDED TO THE INDIANA CODE
- 10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 11 1, 2001]: Sec. 4.5. "Ballot card voting system" **refers to either a**
- 12 **punch card voting system or an optical scan voting system.**
- 13 SECTION 3. IC 3-5-2-33.8 IS ADDED TO THE INDIANA CODE

AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 33.8. "Optical scan ballot" means a card or another paper on which votes are:**

- (1) recorded by marking the card or paper in ink or pencil;**
- and**
- (2) tabulated by an optical system that reads the marks on the card or paper.**

SECTION 4. IC 3-5-2-33.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 33.9. "Optical scan voting system" means a voting system using optical scan ballots.**

SECTION 5. IC 3-5-2-41.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 41.5. "Punch card ballot" means a card on which votes are recorded by punching holes in the card.**

SECTION 6. IC 3-5-2-41.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 41.6. "Punch card ballot system" means a voting system using punch card ballots.**

SECTION 7. IC 3-10-1-28.5, AS AMENDED BY P.L.176-1999, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 28.5. (a) If a ballot card voting system is used in a precinct, after a voter has marked a ballot card the voter shall place it inside the envelope provided for this purpose and return it to the judge.**

(b) The judge shall remove the stub from the ballot card. This subsection does not apply to an optical scan ~~ballot card~~ voting system.

(c) The judge shall then offer to return the envelope with the ballot card inside to the voter. The voter shall:

- (1) accept the envelope and deposit it with the ballot card inside into the ballot box; or**
- (2) decline the envelope and require the judge to deposit it in the ballot box.**

(d) The voter then shall leave the polls."

Page 1, delete lines 10 through 11, begin a new paragraph and insert:

"(b) The fund consists of the following:

- (1) Money appropriated to the fund by the general assembly,**

including any money appropriated from the build Indiana fund.

(2) All money allocated to the state by the federal government for improvement of voting systems.

(3) Proceeds of bonds issued by the Indiana bond bank for improvement of voting systems as authorized by law.

The auditor of state shall establish an account within the fund for money appropriated by the general assembly and a separate account within the fund for any money received by the state from the federal government."

Page 2, line 6, delete "commission" and insert "budget agency".

Page 2, line 7, delete "commission." and insert "budget agency not later than June 1, 2003."

Page 2, line 8, delete "commission" and insert "budget agency, after review by the budget committee,".

Page 2, line 8, delete "commission" and insert "budget agency".

Page 2, line 10, delete "commission" and insert "budget agency".

Page 2, line 22, after "5." insert "(a)".

Page 2, line 22, delete "the commission approves".

Page 2, line 22, after "application" insert "is approved".

Page 2, line 23, after "shall" insert ", subject to subsection (b) and section 6 of this chapter,".

Page 2, line 24, delete "twenty-five percent (25%)" and insert "fifty percent (50%)".

Page 2, between lines 26 and 27, begin a new paragraph and insert: "(b) This section expires January 1, 2005."

Sec. 6. (a) Subject to requirements of federal law under which money is allocated to the state, the division shall pay an additional reimbursement to a county that is eligible for reimbursement under this chapter from the federal money an amount determined under STEP FIVE of the following formula:

STEP ONE: Determine the amount of federal money received by the state.

STEP TWO: Determine the number of precincts in the county on July 1, 2001.

STEP THREE: Determine the total number, as of July 1, 2001, of precincts in all counties that are eligible for reimbursement under this chapter.

STEP FOUR: Divide the number determined in STEP TWO by the number determined in STEP THREE.

STEP FIVE: Multiply the number determined in STEP FOUR by the number determined in STEP ONE.

(b) It is the intent of the general assembly that a county eligible for reimbursement under this chapter be reimbursed from federal money received by the state to the maximum extent permitted by federal law. Notwithstanding subsection (a), if federal money remains in the fund after the formula in subsection (a) is applied, the remaining federal money shall be distributed to any counties that have not received the maximum amount of federal money permitted by federal law. Money distributed under this subsection shall be distributed based on the ratio that the number of precincts in the county to be reimbursed under this subsection bears to the total number of precincts in all counties to be reimbursed under this subsection, to the extent permitted by federal law.

(c) If federal money remains in the fund after subsection (b) is applied, the remaining federal money reverts to the fund from which state money was appropriated, to the extent permitted by federal law."

Page 2, line 27, delete "6." and insert "7."

Page 2, line 29, delete "7." and insert "8."

Page 2, after line 32, begin a new paragraph and insert:

"SECTION 9. IC 3-11-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The commission must approve a ballot card voting system before it may be used in an election.

(b) After June 30, 2001, the commission may not approve a punch card voting system for use in an election.

(c) After December 31, 2003, a punch card voting system may not be used in an election.

SECTION 10. IC 3-11-13-6, AS AMENDED BY P.L.176-1999, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) Before an election at which a ballot card voting system is used, a county election board shall:

- (1) have the marking devices prepared for the election;**
- (2) have the marking devices put in order, set and adjusted, and made ready for voting when delivered to the precincts; and**

(3) provide the precinct election officers with marking devices, a demonstration marking device (except in precincts using optical scan ~~ballot cards~~), ~~ballots~~), ballot cards, ballot boxes, ballot labels, and other records and supplies as required.

(b) While acting under subsection (a), the county election board may restrict access to parts of the room where marking devices and other election material are being handled to safeguard this material.

(c) Each county election board shall have each ballot card voting system, along with all necessary furniture and appliances that go with the system at the polls, delivered to the appropriate precinct not later than 6 p.m. of the day before election day. The county executive shall provide transportation for the systems if requested to do so by the county election board.

SECTION 11. IC 3-11-13-18, AS AMENDED BY P.L.176-1999, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) This subsection does not apply to an optical scan ~~ballot card~~ voting system. Each ballot card provided under section 17 of this chapter must have two (2) attached perforated stubs on which is printed the same serial number. The top stub shall be bound or stapled in the package of ballot cards retained by the precinct election officers. The following information must be printed on the second stub:

- (1) The name of the political subdivision holding the election.
- (2) The designation of the election.
- (3) The date of the election.
- (4) The instructions to the voters.
- (5) In a primary election, the name of the political party.

(b) The county election board in a county using a ballot card voting system shall provide ballot cards to the precinct election board that permit voters to cast write-in votes for each officer to be voted for at that election.

(c) The ballot cards provided under subsection (b) must be:

- (1) designed to be folded; or
- (2) accompanied by a secrecy envelope;

to ensure the secrecy of each of the votes cast by a voter.

(d) A write-in vote shall be cast by printing the name of the candidate and the title of the office in the space provided for write-in votes on a ballot card or secrecy envelope.

1 SECTION 12. IC 3-11-13-20, AS AMENDED BY P.L.26-2000,
 2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2001]: Sec. 20. (a) This section does not apply to an optical
 4 scan ~~ballot card~~ voting system.

5 (b) Each county election board shall maintain a record of the serial
 6 numbers of all of the ballot cards provided to a precinct and shall note
 7 in this record the precinct to which each ballot card relates.

8 SECTION 13. IC 3-11-13-28.5, AS AMENDED BY P.L.176-1999,
 9 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2001]: Sec. 28.5. (a) Unless challenged, a voter may proceed
 11 to vote.

12 (b) This subsection does not apply to an optical scan ~~ballot card~~
 13 voting system. After a voter has signed the poll list, the poll clerk
 14 holding the ballot card shall remove the top stub, as described in
 15 section 18 of this chapter, and deliver to the voter one (1) of each ballot
 16 card that the voter is entitled to vote at the election. The top stub (and
 17 any second stub declined by the voter under section 33 of this chapter)
 18 shall be retained by the precinct election board and returned to the
 19 election board following the close of the polls.

20 (c) As each successive voter calls for a ballot, the poll clerks shall
 21 deliver to the voter the first initialed ballot of each type. The inspector
 22 shall then deliver to the poll clerks another ballot of each type, which
 23 the clerks shall initial as before.

24 SECTION 14. IC 3-11-13-33, AS AMENDED BY P.L.176-1999,
 25 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2001]: Sec. 33. (a) After a voter has marked a ballot card, the
 27 voter shall place it inside the envelope provided for this purpose or fold
 28 the envelope described in section 18(c)(1) of this chapter and return the
 29 ballot card to the judge.

30 (b) This subsection does not apply to an optical scan ballot ~~card~~ or
 31 to a ballot card with a fold-over envelope. The judge shall remove the
 32 second stub, as described in section 18 of this chapter, from the
 33 envelope and offer the second stub to the voter.

34 (c) The judge shall offer to return the envelope with the ballot card
 35 inside to the voter. The voter shall:

- 36 (1) accept the envelope and deposit it in the ballot box; or
- 37 (2) decline the envelope and require the judge to deposit it in the
- 38 ballot box.

1 (d) If a voter offers to vote a ballot card that is not inside the
2 envelope provided for this purpose or with the envelope not folded if
3 the ballot is described in section 18(c)(1) of this chapter, the precinct
4 election board shall direct the voter to return to the booth and place the
5 ballot card in the envelope provided for this purpose or fold the
6 envelope.

7 (e) After a voter's ballot cards have been deposited in the ballot box,
8 the poll clerks shall make a voting mark after the voter's name on the
9 poll list.

10 (f) After voting, a voter shall leave the polls. However, a voter to
11 whom ballot cards and a marking device have been delivered may not
12 leave the polls without voting the ballot cards or returning them to the
13 poll clerk from whom the voter received them.

14 SECTION 15. IC 3-11-13-35, AS AMENDED BY P.L.176-1999,
15 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2001]: Sec. 35. (a) If a voter spoils or defaces a ballot card or
17 marks it erroneously, the voter shall return the card so as not to disclose
18 any choices that the voter has made.

19 (b) This subsection does not apply to an optical scan ballot. ~~card.~~ A
20 voter returning a ballot must comply with subsection (a) by folding the
21 stub on the ballot card.

22 (c) After complying with subsection (b), the voter then may receive
23 another ballot card. Upon receipt of a defective ballot card, the precinct
24 election board shall:

- 25 (1) immediately cancel the defective card by writing on the back
26 of the card and stub the word "VOID" in ink or in indelible pencil;
27 and
28 (2) without detaching any stub attached to the card, place the card

1 in the container for voided ballots in a manner that does not expose the
2 choices of the voter.".

3 Renumber all SECTIONS consecutively.

(Reference is to HB 1589 as introduced and as amended by the
committee report of the Committee on Elections and Apportionment
adopted February 1, 2001.)

and when so amended that said bill do pass.

Representative Bauer